

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

JUDE MYRTHIL, : CIV. NO. 20-16584(RMB)
: :
Petitioner : :
: :
v. : : **OPINION**
: :
DAVID ORTIZ, : :
: :
Respondent : :

BUMB, United States District Judge

Petitioner Jude Myrthil, a prisoner confined in the Federal Correctional Facility in Fort Dix, New Jersey ("FCI Fort Dix") brings this petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging the ability of the federal government to detain him in custody in New Jersey although he is a citizen of Massachusetts. (Pet., Dkt. No. 1.) Pursuant to Rule 4 of the Rules Governing Cases under 28 U.S.C. § 2254, applicable here under Rule 1, scope of the rules, a judge must promptly examine a habeas petition. "If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner." Id.

The Court takes judicial notice, pursuant to Federal Rule of Evidence 201(b)(2), that Petitioner is incarcerated in federal prison, having been convicted and sentenced in the United States

District Court, District of New Jersey in Criminal Action No. 2:14-cr-00571-CCC-1. Petitioner's claim that a convicted federal prisoner who is a citizen of Massachusetts cannot be incarcerated in a federal prison in New Jersey is frivolous. The Court will dismiss the petition.

Buried within the petition, there is some discussion of Petitioner being charged violating a prison rule governing possession of a hazardous tool. Petitioner has not provided sufficient information for this Court to address a due process challenge to the loss of Good Conduct Time as a result of a prison disciplinary proceeding. See e.g. Wolff v. McDonnell, 418 U.S. 539 (1974); Denny v. Schultz, 708 F.3d 140 (3d Cir. 2013). Dismissal of this petition is without prejudice to Petitioner filing an amended petition to raise a due process claim with respect to the loss of good conduct time.

An appropriate Order follows.

Date: November 20, 2020

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge